

Issuance Date: August 31, 2006
Effective Date: September 1, 2006
Expiration Date: August 31, 2011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-002252-7

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Vashon Wastewater Treatment Plant
King County Department of Natural Resources & Parks
Wastewater Treatment Division
201 S. Jackson St.
Seattle, WA 98104-3855

Plant Location:
9621 S.W. 171 Street
Vashon, Washington 98070

Water Body I.D. No.:
WA-PS-0240

Plant Type:
Oxidation Ditch (Secondary Treatment)

Receiving Water:
Puget Sound

Discharge Location:
Latitude: 47° 27' 09" N
Longitude: 122° 26' 19" W

is authorized to discharge in accordance with the Special and General Conditions that follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	October 20, 2006
S3.E	Noncompliance Notification	As necessary	
S3.H	Shellfish Protection	As necessary	
S4.B	Plans for Maintaining Adequate Capacity	As necessary	
S4.C	Notification of New or Altered Sources	As necessary	
S5.G	Operations and Maintenance Manual	Once for new facility and updated as necessary	May 31, 2007
S8.	Application for permit renewal	1/permit cycle	February 28, 2011
S9.	Spill Plan	1/permit cycle	August 31, 2007
S10.	Acute Toxicity Effluent Test Results with Permit Renewal Application	4/permit cycle: July, Aug. or Sept. of 2007, 2008, 2009 & 2010	With next permit application
S11.	Chronic Toxicity Effluent Test Results with Permit Renewal Application	4/permit cycle: July, Aug. or Sept. of 2007, 2008, 2009 & 2010	With next permit application
S12.A	Chemical Analysis of Effluent	3/permit cycle	With next permit application
S12.B	Priority Pollutant Scans	3/permit cycle: July, Aug. or Sept. of 2007, 2009 & 2010	With next permit application
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G20.	Reporting Anticipated Noncompliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the limitations shown in Table 1.

Table 1. Wastewater Effluent Limitations

EFFLUENT LIMITATIONS^a		
Parameter	Average Monthly	Average Weekly
Biochemical Oxygen Demand (BOD ₅) (5 day)	30 mg/L, 130 lb/day 85% removal of influent BOD ₅	45 mg/L, 195 lb/day
Total Suspended Solids	30 mg/L, 130 lb/day 85% removal of influent TSS	45 mg/L, 195 lb/day
Fecal Coliform Bacteria	200 /100 mL	400 /100 mL
pH ^b	Daily minimum is equal to or greater than 6.0, and the daily maximum is less than or equal to 9.0.	
Parameter	Average Monthly	Maximum Daily^c
Total Residual Chlorine Effluent Limit ^d	0.44 mg/L	0.75 mg/L

^a The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.

^b Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations. The instantaneous maximum and minimum pH shall be reported monthly.

^c The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

^d This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter "no discharge of chlorine" on the DMR for the period.

B. Mixing Zone Descriptions

The mixing zone for the Vashon WWTP outfall is depicted in Figure 1 of the fact sheet. The chronic mixing zone extends a maximum distance of 400 feet (122 m) in any direction from the single 8-inch end port. The mixing zone extends vertically from the

outfall diffuser to an upper boundary at the water surface. The most restrictive upper boundary occurs at Mean Lower Low Water (MLLW). The acute mixing zone extends 40 feet (12 m) in any direction from the port.

The Acute Critical Effluent Concentration (ACEC) equals 1.12 percent effluent, based on dilution models which show an 89:1 dilution at the boundary of the acute mixing zone. The Chronic Critical Effluent Concentration (CCEC) equals 0.147 percent effluent, based on a modeled 681:1 dilution at the boundary of the chronic mixing zone.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor in accordance with the schedule outlined in Table 2.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered

or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

Table 2. Monitoring Schedule

Parameter	Sample Point	Minimum Sampling Frequency	Units	Sample Type
[1] Compliance Monitoring:				
Flow	Influent ^a & Final Effluent	Continuous ^b	mgd	Recording
BOD ₅	Influent ^a & Final Effluent	2/week	mg/L	24-hr Composite
TSS	Influent ^a & Final Effluent	2/week	mg/L	24-hr Composite
pH	Final Effluent	Continuous ^b	Std units	Recording
Fecal Coliform	Final Effluent	2/week	#/100 mL	Grab
Total Available Residual Chlorine ^c	Final Effluent	Daily	mg/L	Grab
[2] Pollutants listed in Part B.6 of the NPDES Permit Application – Form EPA 3510-2A^d (Section S.12):				
(a) Total Dissolved Solids (TDS)	Final Effluent	3/permit term	mg/L or µg/L	24-hr Composite
(b) Dissolved Oxygen	"	"	"	Grab
(c) Oil and Grease	"	"	"	Grab
(d) Ammonia as N	"	"	"	24-hr Composite
(e) Nitrate + Nitrite as N	"	"	"	Grab
(f) Total Kjeldahl Nitrogen (TKN)	"	"	"	24-hr Composite
(g) Total Phosphorus	"	"	"	24-hr Composite
Priority Pollutants ^e	Final Effluent	3/permit cycle in July, Aug., or Sept. of 2007, 2009, & 2010	µg/L	24-hr Composite
WET Testing	Final Effluent	4/permit cycle in July, Aug., or Sept. of 2007, 2008, 2009, & 2010	-	24-hr Composite

^a Influent is the compliance point for the loading criteria discussed in Section S4.A.

^b Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. Measurements shall be taken daily when continuous monitoring is not possible.

^c Monitoring for Total Residual Chlorine is required only when emergency backup chlorination is used.

^d To provide required data for Part B.6 of the EPA Form EPA 3510-2A (NPDES Permit Application) for the next permit application, the final effluent shall be tested for these parameters. Samples shall be collected for analysis at least three times during the term of this permit, and results shall be reported in part B.6 of the next permit application.

^e Priority pollutants are listed in Appendix H of Fact Sheet. Mercury shall be analyzed using an EPA Method that can adequately measure levels of 0.005 µg/L.

S3. REPORTING AND RECORDING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received by the Department no later than the 20th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 - 160th Avenue SE, Bellevue, Washington 98008-5452. Priority pollutant analysis and toxicity test data shall be submitted with the next permit application, unless requested otherwise by Ecology.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, analytical method/number, method detection limit (MDL), reporting detection limit (RDL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the

analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Requirements

1. *Immediate Action:* The Permittee must take the following action upon violation of any permit condition:

Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, repeat sampling and analysis to characterize noncompliance event. The results of any repeat sampling shall be submitted to Ecology within 30 days of sampling.

2. *24-Hour Noncompliance Notification:* The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 425-649-7000, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:
 - a. Any noncompliance that may endanger health or the environment;
 - b. Any unanticipated **bypass** that exceeds any effluent limitation in the permit (see Part S5.F, "Bypass Procedures");
 - c. Any **upset** that exceeds any effluent limitation in the permit (see G15, "Upset");
 - d. Any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or
 - e. Any overflow prior to the treatment works that is within the system under King County control, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
3. *Noncompliance Report:* The Permittee must also provide a written submission within five business days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and

- e. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.

Reports must be submitted to the address in S3. "REPORTING AND RECORDING REQUIREMENTS."

- 4. *Other Noncompliance Reporting:* The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Reporting - Shellfish Protection

Any failure of the disinfection system of significant public health concern, and any sanitary sewer overflow from the collection system within King County control, and any plant bypass discharging near a shellfish area shall be reported *immediately* to the Department of Ecology, the Department of Health Shellfish Program, and the King County Department of Health. The Department of Ecology's Northwest Regional Office 24-hr. number is 425-649-7000, the Department of Health's Shellfish 24-hr. number is 360-236-3330, and the KC Department of Health number is 206-205-2252.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Department of Ecology inspectors.

S4. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Average flow for the maximum month:	0.52 MGD
BOD ₅ loading for maximum month:	671 lb/day
TSS loading for maximum month:	671 lb/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
2. The projected increase would reach design capacity within five years,

whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment

standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class II plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class I plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the treatment plant and the portions of collection system in which King County is responsible (Bunker Trail pump stations). Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pump stations in their authority. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift

stations in which King County is responsible either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions. Vital components include aeration basin, secondary clarifiers, activated sludge return and waste systems, and ultraviolet light disinfection system. Vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system under King County's ownership or control.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit. This bypass is permitted only if:
 - a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (unless adequate backup equipment was not installed to prevent a bypass which occurred during

normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

- c. The Department is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type of bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee for the new facility in accordance with WAC 173-240-080 and be submitted to the Department for approval by May 31, 2007. In addition to requirements of WAC 173-240-080 (1) through (5) the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. The treatment plant process control monitoring schedule.
5. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.

The approved O&M Manual shall be kept available at the treatment plant and shall be reviewed by the Permittee at least annually. All operators shall follow the instructions and procedures of this manual.

S6. PRETREATMENT

A. General Requirements

1. The Permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the Permittee's approved pretreatment program submittal approved and dated April 27, 1981; any approved revisions thereto; and the General Pretreatment Regulations (40 CFR Part 403). At a minimum, the following pretreatment implementation activities shall be undertaken by the Permittee:
 - a. Enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Federal Clean Water Act (hereinafter, the Act), prohibited discharge standards as set forth in 40 CFR 403.5, or state standards, which ever are most stringent or apply at the time of issuance or modification of a local industrial waste discharge permit. Locally derived limitations shall be defined as pretreatment standards under Section 307(d) of the Act and shall not be limited to categorical industrial facilities.

- b. Issue industrial waste discharge permits to all significant industrial users [SIUs, as defined in 40 CFR 403.3(t)(i)(ii)] contributing to the treatment system, including those from other jurisdictions. Industrial waste discharge permits shall contain as a minimum, all the requirements of 40 CFR 403.8(f)(1)(iii). The Permittee shall coordinate the permitting process with the Department regarding any industrial facility, which may possess a state waste discharge permit issued by the Department. Once issued, an industrial waste discharge permit will take precedence over a state-issued waste discharge permit.
- c. Maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by industrial users to the POTW. Records shall be maintained for at least a three-year period.
- d. Perform inspections, surveillance, and monitoring activities on industrial users to determine and/or confirm compliance with applicable pretreatment standards and requirements. A thorough inspection of SIUs shall be conducted annually. Frequency of regular local monitoring of SIU wastewaters shall normally be commensurate with the character and volume of the wastewater but shall not be less than once per year. Sample collection and analysis shall be performed in accordance with 40 CFR Part 403.12(b)(5)(ii)-(v) and 40 CFR Part 136.
- e. Enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements. Once violations have been identified, the Permittee shall take timely and appropriate enforcement action to address the noncompliance. The Permittee's action shall follow its enforcement response procedures and any amendments, thereof.
- f. Publish, at least annually in the largest daily newspaper in the Permittee's service area, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii).
- g. If the Permittee elects to conduct sampling of a SIU's discharge in lieu of the user self-monitoring, it shall sample and analyze for all regulated pollutants in accordance with 40 CFR Part 403.12(b)(5)(ii)-(v), 40 CFR 403.12(g), and 40 CFR Part 136. The character and volume of the samples shall be representative of the discharge and shall provide adequate data to determine compliance, but in no case should sampling occur less than two (2) times per year.
- h. Develop and maintain a data management system designed to track the status of the Permittee's industrial user inventory, industrial user discharge characteristics, and compliance status.
- i. Maintain adequate staff, funds, and equipment to implement its pretreatment program.

- j. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by commercial or industrial users within these jurisdictions. These contracts or agreements shall identify the agency responsible for the various implementation and enforcement activities to be performed in the contributing jurisdiction.
2. The Permittee shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. The results of such activities shall be available to the Department upon request. If the Permittee decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - a. Description of discharge practices, including non-routine batch discharges.
 - b. Description of stored chemicals.
 - c. Procedures for immediately notifying the Permittee of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.
 - d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.
 3. Whenever it has been determined, on the basis of information provided to or obtained by the Department, that any waste source contributes pollutants to the Permittee's treatment works in violation of Subsection (b), (c), or (d) of Section 307 of the Act, and the Permittee has not taken adequate corrective action, the Department shall notify the Permittee of this determination. Failure by the Permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the Department against the source and/or the Permittee.
 4. The Permittee shall request and obtain approval from the Department prior to implementing any significant changes to the local pretreatment program as approved. The procedure of 40 CFR 403.18 (b) & (c) shall be followed.

B. Local Limit Development

As sufficient data becomes available, and as directed by the Department, the Permittee shall reevaluate their local limits in order to prevent pass through or interference. Upon determination by the Department that any pollutant present causes pass through or

interference, or exceeds established sludge standards, the Permittee shall establish new local limits or revise existing local limits as required by 40 CFR 403.5. In addition, the Department may require revision or establishment of local limits for any pollutant discharged from the POTW that has a reasonable potential to exceed the water quality standards, sediment standards, or established effluent limits, or causes whole effluent toxicity. The determination by the Department shall be in the form of an Administrative Order.

The Department may modify this permit to incorporate additional requirements relating to the establishment and enforcement of local limits for pollutants of concern. Any permit modification is subject to formal due process procedures pursuant to state and federal law and regulation.

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

S8. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by February 28, 2011.

S9. SPILL PLAN

By August 31, 2007, the Permittee shall submit to the Department a Spill Control Plan for the prevention, containment, and control of spills or unplanned releases of chemicals, wastewater, or sludge. The Permittee shall review the plan frequently and update as needed. Changes to the plan shall be sent to the Department. The Plan and any supplements shall be followed throughout the term of the permit.

The Spill Control Plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of the materials of concern.
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated dangerous waste (DW) or extremely hazardous waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials which may become pollutants or cause pollution upon reaching state's waters.

- Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

S10. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test the final effluent during the low flow months of July, August, or September of 2007, 2008, 2009, and 2010. This toxicity testing is an application requirement for facilities with a Pretreatment Program. The two species listed below shall be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100 percent effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Sampling and Reporting Requirements

1. A written report shall be submitted to the Department within sixty (60) days after the sample date. A summary report shall also be submitted to the Department with the next permit application. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 0 - 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S11. CHRONIC TOXICITY

A. Testing Requirements

The Permittee shall test the final effluent during the low flow months of July, August, or September of 2007, 2008, 2009, and 2010. This toxicity testing is an application requirement for facilities with a Pretreatment Program. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 1.12 percent effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the protocols shown in Table 3. If Topsmelt is unavailable, Menidia is an adequate substitution.

Table 3. Protocols for Chronic Toxicity Tests

Saltwater Chronic Test	Species	Method
Topsmelt survival and growth	<i>Atherinops affinis</i>	EPA/600/R-95/136
Mysid shrimp survival and growth	<i>Mysidopsis bahia</i>	EPA-821-R-02-014
<i>Alternative to Topsmelt when unavailable:</i>		
Inland Silverside Survival and Growth Test	<i>Menidia beryllina</i>	EPA-821-R-02-014, method 1006.0, 7-day static-renewal

B. Sampling and Reporting Requirements

1. A written report shall be submitted to the Department within sixty (60) days after the sample date. A summary report shall also be submitted to the Department with the next permit application. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 0 - 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication No. WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S12. ADDITIONAL CHEMICAL ANALYSIS OF EFFLUENT

A. Additional Effluent Testing

To provide required data for EPA Form 3510-2A, Part B6 (NPDES Application) for the next permit cycle, the following additional tests shall be conducted on the final plant effluent. Samples shall be collected for analysis at least three times during the term of this permit, and results shall be reported with the next NPDES permit application.

Ammonia-N
Dissolved Oxygen
Total Kjeldahl Nitrogen
NO₃ + NO₂-N
Oil & Grease
Total Phosphorus
Total Dissolved Solids

B. Priority Pollutant Scans

The Permittee shall conduct at least three (3) priority pollutant scans of the final treatment plant effluent during the low flow months of July, August, or September of 2007, 2009, and 2010, preferably performed in conjunction with the required WET testing. The samples analyzed shall be 24-hour composites. The parameters to be tested are listed in EPA Form 3510-2A, Part D (NPDES Application), and also in Appendix H of the fact sheet prepared for this permit. The results of the priority pollutant scans shall be submitted with the next NPDES permit application.

C. Protocols

Sample analysis shall be conducted in accordance with 40 CFR Part 136. It is appropriate for 24-hour composite sampling to be performed for Ammonia, TKN, Total Phosphorus, and TDS determinations. It is appropriate for grab sampling to be performed on Dissolved Oxygen, Nitrite-Nitrate, and Oil & Grease determinations. All analysis for metals must use the methods given in 40 CFR Part 136 and be reported as total recoverable. The required detection levels used for the analysis are listed in Table 4. For copper, the method detection level (MDL) is 1 µg/L using graphite furnace atomic absorption spectrometry (method number 220.2 from 40 CFR Part 136); the quantitation level (QL) for copper is 5 µg/L (5 x MDL). Mercury shall be analyzed using an EPA Method that can adequately analyze mercury levels down to 0.005 µg/L.

Table 4. Required Metal Detection Limits

Pollutant Parameter	Required Detection Limit
Copper	1.0 µg/L
Lead	1.0 µg/L
Nickel	1.0 µg/L
Chromium	1.0 µg/L
Zinc	2.0 µg/L
Cadmium	0.1 µg/L
Selenium	2.0 µg/L
Silver	0.2 µg/L
Mercury	0.005 µg/L
Arsenic	1.0 µg/L

D. Quality Assurance/Quality Control Procedures

The Permittee shall follow the quality assurance procedures of 40 CFR Part 136.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G22. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.